A

MODERATE,

AND MOST

PROPER REPLY

TO A

DECLARATION,

PRINTED, AND PVBLISHED,

under His MAIESTIES Name,

December, 8.

Intended against an Ordinance of Parliament for Assessing.

But indeed animating and encourageing the Malignants, and Delinquents, in their violent courses, for the maintenance of themselves, and their Malignant Army.

LONDON, Printed, 1642.

A moderate and most proper Reply to a DECLARATION,

HE Pen that drops this Declaration, lately set forth under His Majesties Name, is a fellow to that tongue which cuts like a sharpe Rasor, the Rasor is sharpe but it plainly appeares that malignancy is the whetstone, and gives it the edge; for so it cut, it cares not though it mangles truth and goodnesse; and so it cut those whom it hates, it cares not though it cut also those whom it professeth to love. For the maine worke of this Declaration is to condemne that in War, which the favorits, if not the framers of this Declaration have practised in peace, yea to condemne that which in War the Parliament hath done for the preservation of the Kingdome, being far lesse then that which themselves have done in this War for the ruine and destruction of it.

The great outcry of this Declaration seemes to be for the property of the Subject. But doth not this cry come from the same shop, from whence heretofore issued inforced Loanes, Knighting Money, benevolences, and Ship-money? And from whence more lately issue plunderings, ransomes for not plundering, monthly taxes of an high value and rate, So that this cry seemes to be like that of the High-way man, who having taken money from a passenger, to put away the suspition of it, raised an hue and cry against himselfe, For is it in earnest to be thought, that the destroyers of property, are now suddenly become the Patrons of property? or rather that by this assessement they are likely to be put from their old trade and therefore are offended? For indeed, this which they call taking away of property, is the meanes of preserving property for ever. Besides, they have put upon the Parliament a necessity of assessements, and that is their fault, and yet this fault of theirs they cast on the Parliament. Againe they know that the Houses have power to tax the whole Kingdome; and the tax of the Commons of *England* ariseth onely from the House of Commons; Against this they object only the want of the Kings assent; which assent being withheld by themselves, they againe cast their own fault upon the Parliament. The * King without the two Houses layes taxes and gives warrants for plundering, and this with their advice and assistance, even to destroy the Parliament, but the two Houses cannot have their leave to lay an assessement without the King for their owne preservation, and the preservation of the Kingdome. Yet is it well known that there are sundry Lawes which exclude the King from laying taxes without consent of Parliament: but no Law that the Parliament, or two Houses should not lay taxes, when the King not only deserteth them, but makes War against them. In the Kings Infancy what assent of the King have the two Houses for the laying of taxes? and it were to be wished that desertion of Parliament, and War against the Parliament, did not give greater cause and necessity of taxing without that assent, then the former. Briefly, the Parliament is inforced to a War for it's owne defence. This defense cannot be maintained without money, and this is the anger that there is money gotten to maintaine it.

* And the Earle of *New-Castle* too.

For

For if Justice in the way of raysing it, were their quarrell; the same Justice would make them to quarrell with themselves; when they rob whole Townes, not of the twentieth part, but of twenty parts of twenty. Where is this quarrell of Justice when they lay monthly Takes in *Oxfordshire*, and other taxes in the *West*? where was their Justice when they robbed in old *Branford*, as well their friends, as their opposers? Had they the Kings consent or had they it not? I thinke they will be asham'd to acknowledge either. Howsoever certainly they had not the consent of the two Houses of Parliament, and so it was without Law, and wholy without this Justice which they now exact of the Parliament. Shall we attribute this to an excessive charity, that they love others above themselves, and so would have others more just and honest then themselves? or rather do they desire that other men may be just that they by injustice may destroy them? They would not have men just, but naked and undefended that so by armed injustice and violence they might subdue them into an everlasting bondage, and misery.

But these men are still troubled with altering the property of *Hull*, and will needs awake not a sleeping but a slaine and dead objection. If they will be ever speaking of it, they must ever heare, That he that takes away a sword from one that would kill him, and takes it onely that hee may not kill him, takes not away the property, but the mischiefe. He doth not meane to profite himselfe by the value of it, but to save himselfe from the cutting of it. And if nothing else will convert the Penman of this Declaration, this perchance would serve the turne, if he had no other meanes of livelyhood and maintenance, but the revenues and profits which the Parliament receiveth from *Hull*.

As for the Army of the Earle of *Essex* raysed to destroy the King (for so the Declaration will have it) it is such another truth, as if, when the Earle of *Essex* his Souldiers fought at *Branford* to defend themselves and some of their owne friends and fellowes formerly taken by the malignant Army were set in the forefront, it were sayd, That the Earle of *Essex* his Souldiers did fight against their owne fellowes to destroy them. These be the men that goe about to destroy the King, that by Armies of their owne enforcing the Parliament to raise an Army to defend it selfe, bring the King betweene two Armies and so into the danger of that destruction, which themselves both cause and object. They are the men that seeke His destruction, that cause his presence there, where destruction is; and cause his absence there where His safety is. But certainly the Parliament wisheth His absence from the Army, where lies the danger, and his presence in Parliament, where is His assured safety.

But here followes another wonder that those men who plunder without giving any warning, should finde fault with Sir *Edward Baynton* warrant which, as themselves say, gave warning to men, that they might escape plundering. * But if he had plundered them without warning, they had nothing to object against him but their owne fault.

* Though it is constantly affirmed that the word plundering is not in the warrant.

A Declaration proceeds in prayse of property which being indeed so pretious, gives a strong exhortation to the Parliament to rayse so much Money as may safely defend it. In the Parliament lies the roote of property, and to pull up Parliaments, is to pull up property by the roote. Therefore to defend property, the Parliament must be defended: and to defend the Parliament money must be raysed.

So to take part of mens goods to defend the Parliament is to defend property, even in the roote of it; if the branches be cropt to preserve the roote, the branches may againe be supplyed and renewed by the roote, but if the roote be pull'd up, which these men endeavor, the branches perish for ever. And this is their griefe, that this roote of property is preserved. And can they take a care of the branches of property who would pull up property by the roote? which being pull'd up, not onely the twentieth part (which is their complaint) but the other nineteene are utterly lost. But neither doth this Ordinance enjoyne the taking of the twentieth part, that number being named, to set a bound to the Taxe, which the Assessors may not passe. They may take the fourtieth part if they thinke fit; And it had beene a deed of charity, if these men that finde fault with the taking of the twentieth, had left the twentieth at *Branford*, and the places which they have ransackt and spoyl'd?

And now comes the Committee of examinations it selfe to be examined. The Questions are, why so called? and how such power? Surely it should not seeme strange to any that knowes Parliaments to call a Committee by the name of the worke of it, no more then to call a man that makes shoes, a Shoomaker? And except there were a resolution to be angry at all that the Parliament does, is it impossible to deny a power in the two Houses to imprison? And, not to dispute the power of the House of Commons alone, or a Committee of that House which those men unseasonably at this time do question) the power of imprisoning is from the Ordinances of both Houses; and by the same the Committee is to name the place and time. So the naming of the time and place, is not by the power of a Committee, but of the Ordinance of Parliament. And it cannot be unknown, that there is in Parliament a power not only of liberty and imprisonment, but of life and death.

And if it must be called a slavery to be subject to this power, upon this occasion: surely it is first, thus farre a voluntary slavery; that they may free their persons if they will by a voluntary contribution. Secondly, the end of this imprisonment, thus term'd slavery, is to fright them from a perpetuall slavery.

But that any Members of the House of Commons should be excluded from being present at the Counsells of the Committee of examinations, is an untruth so notorious and corpulent, that it is to be wondred how the Scribe of this Declaration, should have an ignorance or malice bigge enough to conceive and bring it forth. Especially since so many malignants from which he might have had better intelligence, have past through that Committee, who waiting at the doore, while Counsells were taking of their Causes, might well know and observe, that the Members of the House, were not excluded from being present at those Counsells. And yet upon this fained accusation, is grounded a tragicall, and dolefull exclamation. As if all Parliaments were utterly destroyed, because a Committee doth exclude the members of the House of Commons, which indeed are not excluded.

Neither doth it follow as a necessary truth that because men are to be imprisoned by the Committee, therefore they shall be separated from their Wives and Children. For though these are to be removed from *London* and *Westminster*, the *Suburbs* and Counties adjacent, yet the husbands being sent to prisons remote from *London* and *Westminster*, the *Suburbs* and Counties adjacent, they may all very well meete. And certainly it may well be thought that the Parliament hath at least as great cause to remove far the malignants and there Families, (the disease of malignancy commonly in this case most affecting the Head, and thence flowing into the body of

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the Family. But be it for ever reserved by speciall priviledge, to Arch prelaticall Tyranny, to banish men into remote Ilands, and by Parliament commands to teare their friends, Wives and children from them.

And here againe flowes from this Writer, a huge tide of passion. But (as tides use to turne) may not this tide thus returne upon him? Is there now any liberty left, but to those that would destroy the Parliament, and therewith peace, liberty, property, and Religion? Is not a violence offered to mens Consciences, when they are terrifyed by Proclamations of Treason, extremities of Warre, for keeping their Protestation whereby they have vowed to defend the priviledges of Parliament, and those that defend them? And is it any way contrary to the Oaths of Supremacy, Allegiance, or the Protestation, to defend the Parliament against those that would destroy it? or by force to bring Delinquents to Parliamintary Justice, and to leade captive those, that leade His Majesty captive, and strive to separate the Head from the body, to the ruine of both? How many persons of Honour, Quality, and Reputation of the severall Counties of *England* have beene turned out of their Offices, places, houses, goods, and lives? how many are now in prison onely for their faithfulnesse to the parliament and Kingdome? How many substantiall Citizens of *London* have beene seduced to set hands to petitions of dangerous consequence, and to withdraw their hands from assisting the defence of Parliament and Kingdome? How many papists, blasphemers, and men of desperate fortunes, are met in the Armies that fight against the Parliament, yea how many papists in these times of Warre, are authorized against Law by his Majesties Commission to buy, and take up Armes, when as the Protestants in divers Counties have beene totally disarmed, and their Armes taken away, notwithstanding their property in them? How many godly, pious and painfull Divines, are now robbed, and plundered, their bookes and writings spoyl'd and defac'd, and themselves driven to *London*, as to a City of refuge? And withall how many of those Ministers that preach against the Parliament are found to be the same that were heretofore questioned by the Parliament, for scandalous, vitious, and abominable lives? And (not to put from *London* over hastily) is there not a cause to secure dangerous persons in *London*, and that those of *London* should be forced to defend *London*, when as neare as *London* was to *Branford*, so neare (in cleare probabilities) was *London* to the state of *Brainford*? For is it to be thought that the Cavaliers would have changed their minds in the riding of eight miles; and that cruelty at *Branford* would have turned into mercy in *London*? would they have spared the substantiall Citizens at *London*, who did not spare the very Beggers at *Brainford*? would they have asked the Rich men at *London* whether they were for the King, who made no such question to the Beggers at *Brainford*? Surely it is most likely that as now *London* may be seene in *Brainford*, so then *Brainford* would have beene seene in *London*.

See the last Declaration.

Neither is it unworthy of the Name of publike Faith, that it is given by those that represent the publike Body of the Kingdome. And whatsoever leave will be given to the Word (publike) it is enough for the security, if the Faith be sound and sufficient for repayment. And (to speake onely of the House of Commons.) It is certaine that house is trusted with the whole estate of the Commons of *England*. And I hope the Commons of *England* will have enough to pay the debts contracted for the defence of the Commons. But in the meane time what Faith is given for the Taskes and monethly payments imposed on *Oxfordshire* and the *Westerne* parts, un-

der the Dominion of Sir *Ralph Hopton*? And even this Declaration hereafter acknowledgeth that the King has parted from his Jewells and Plate, (which it is pitty should have beene turned into the price of the blood of his subjects) so that evill Councellors have reduced him to that Lowneſſe, that whenſoever he returnes to a ſtate, luſtre, of Majeſty and Glory, by a right (that is a Parliamentary) way, it muſt be by their faithfolneſſe and ſupply, whoſe Faith is now thus ſlighted and deſpiſed. And it is eaſily believed that our Brethren of *Scotland* will not be diſpleaſed with the Word of publike Faith, and I wiſh it were as fit to be believed, that they have not cauſe to be diſpleaſed with thoſe that by a War rayſed againſt the Parliament, endeavour to make the reality of that Word, leſſe, if not wholly ineffectuall.

Neither is it for want of ſpeaking but of hearing that theſe men heare nothing of fundamentall Lawes. It hath beene ſayd that it is moſt fundamentall to a ſtate to preſerve it ſelfe, And that the Lords and Commons in Parliament may defend themſelves, and their priviledges againſt Delinquents, Malignants, and their adherents, that ſeeke to deſtroy them: That the Commons are entruſted with the eſtates of the Commons; and the Lords, of the Lords, and both joyning together in diſpoſing them, if the King withhold His aſſent, which ſhould be given for the preſervation of the Kingdome, ſhall the Kingdome periſh for want of this aſſent? much leſſe ſhould it be turn'd into an objection againſt the Lords and Commons as a fault of theirs, That the King will not aſſent. But if this be neither ſpoken nor heard, are theſe men fit to demand fundamentall Lawes for the Parliaments diſpoſing of a twentieth part, who can allege themſelves no ſhadow of any Law for exacting two and twenty parts out of twenty? For ſuch a monſter both of Arithmetick and oppreſſion have theſe men lately engendred: Not to ſpeake of breaking the fundamentall Lawes in taking his goods, in whom the Houſe of Commons is in ſome ſort contracted and repreſented, what fundamentall Law have they for laying a Taxe of foure pound a weeke on nineſcore pounds yeatly rent of the Speaker of the *Houſe of Commons*? What have theſe men to do to talke of fundamentall Lawes, that by a Lawleſſe, and ſenſleſſe oppreſſion, undermine and dig up eſtates even below their foundations; and like *Ægiptian* Taskemaſters will enforce the Brick to be made beyond the ſtraw?

And if extraordinary meanes of maintaining an undertaking prove it unlawfull, what an extremity of unlawfulneſſe is there in their undertakings, who by theſe ſuper-extremities of exaction maintaine their undertakings? As for Maſter *Pim*'s ſpeech which they call excellent, it would make them excellent too, if they would follow it. For it is too manifeſt, that following the Lawes of Luſt, Ambition, and the like vices have brought us to this preſent confuſion. Neither is it ſo ſtrange that in a time of Warre againſt the Parliament dangerous perſons ſhould be more ſafely ſecured from maintaning this Warre, nor that Members of either Houſe giving cauſe of ſuſpition by viewing Workes of defence or otherwiſe, ſhould be committed with the conſent or approbation of either houſe; not ſo ſtrange by much, As that five Members of a houſe, ſhould be drawne forth from the houſe (to priſon and death as it ſeemes by the charge) by force and violence. And for *Hull*, the preſent good uſe of *New-Caſtle*, to admit Armes and Souldiers for the maintenance of this unnaturall Warre, ſpeakes aloud to juſtify Sir *John Hotham*s keeping of *Hull* by order of Parliament; Neither is Tonnage or Poundage impoſed by Parliament; and is not Tonnage and Poundage payd to the complainants at *New-Caſtle*?

But

But the Parliament is the great Eye-sore, and therefore when they could not destroy it by pulling away five first (and how many fives after no man knowes) nor by an Army at *Branford*, now it must be overthrowne by paper-Bullets and by untrue telling of Twenties. But certainly their Act of numbring fayles, as well as their vertue of truth, and sincerity. For even in this moneth of *December*, when the Lord *Major* was in the House of Commons at prayer (whereof a part, is a part of Common Prayer, by which token he may be knowne not to be a *Brownist*, nor a reviler of *Common Prayer*) it is certainly reported there were eight score in the House; and not many lesse the same weeke when the house consider'd the propositions for peace; And these men cannot but know that fourty do make a House of Commons; so that their owne number acknowledgeth it to be more then an house of necessity requires. Yet there are also computed about an hundred absent in the Army for defence of the Parliament; or in the defence of their owne Counties; in *Ireland* or for some speciall occasions of their owne. And those that are present, and such others as are thus absent, complayning of no feare it is a worke of supererogatory charity, that these Enditers should make, or faine a fearfull complaint for them. True it is, that there are about threescore cast out of the House of Commons for fighting against the House, or some other great offences, neither needes any one to be afrayd of comming to the house, but those whom their owne guilt makes affray'd of censure and punishment. Neither are those that are present awed with an Army or Tumults, but defended and secured by an Army and the goods of the City and Suburbs; and it might passe for a speciall peece of craft if these men could make the Parliament so foolishly credulous as to be afrayd of their owne security. It were to be wished, That his Majesty, were as free from cause of feare from his Army and Cavaliers, who are much wrong'd by reports, if they have not put threats upon him, and upon his going from them to his Parliament.

And next to the Parliament, they are angry with the City of *London*, for being a wall of defence to the Parliament. And whereas this paper is so often spotted with the scandall of *Anabaptists* and *Brownists* for their power in the Government or affaires of that City, if they believe themselves, it were good they did make others to believe them also, by naming some particular *Anabaptists* and *Brownists* that exercise this power, as the Parliament hath nam'd the papists which command in the Kings Army.

Neither hath the Lord *Major* with a faction told the houses that that they will have no Accomodation, or peace; but with the Sheriffe and Aldermen hath advanc'd and assisted a Petition to His Majesty for peace. True it is they desire a sound and durable peace, accompanyd with Truth, and piety; neither can they be much blam'd, if they feare pretences of peace that may cover such designes of mischiefe and massacry as lately appeared at *Branford*.

But it seemes the notes were taken in short hand which were sent to this Writer concerning Sir *Sidney Mountague*, for if the story had been written in words at length and the whole matter declared, it might have been known, That Sir *Sidney Mountague* besides refusing the Oath (if it must be so called) of Association, drew forth a Declaration, and vouched the authority of it, for calling them Traytors that had taken the same. And let these men judge whether it were any part of the vertue of patience that the house which had entred entred that Association should indure the word Traytor to be cast upon the face of it, or whether it were not a more commendable vertue of

curtesy

curtesy, to dissemble and, separate a person of that opinion from the dangerous and infectious Society of Traytors.

And now follow some mistaken figures of rhetorick which should run on this manner. These are the men that have sent to the States, to treate with them, that they permit not Souldiers and Armes to come from their provinces, to make and maintain War against the Parliament of *England*. These are the men that have sent into *Scotland*, where *Murrey* is labouring to kindle a fire to consume this Nation, to cast water upon that fire, and withall to incite our Brethren of *Scotland*: now the papists are up in Armes to seek the peace of this Kingdom, and the safety of Religion agreeable to the Act of pacification. And not only for that Act, but for their own security it being an unquestionable Truth, That if *Ireland* be the breakfast of the papists, and *England* their Dinner, *Scotland* is likely to be their supper. In a word, these are they that have made a preserving Ordinance, to save the Parliament, Religion, Lawes and Liberty, which were in danger to be devoured by illegall Commissions of Array, as illegall Sheriffs, Armies of papists, and other ill-affected, persons.

But the words which follow, that an Army was first raysed by the Parliament, are so manifestly untrue that it is strange, how they could leave of the lest remnant of Conscience to utter them, and of loyalty to utter them under His Majesties Name: It is possible they may have heard of a Bible, and therein of one *David*, that like the Parliament was accused of rebelling against the King, and these were hunted like a *Partridge*; But that which I would say to them is according to the speech of that *David* to *Abner*: yee are worthy to dy because yee have not kept the King, neither his life nor honour. The life of the King hath been exposed to danger, by bringing him into the Battell; and his honour, by making his Name a cover to notorious falsities. For were not the beginnings of an Army raysed in *Yorke*? * and did not a papist there come forth and say let the sword, try it, before the Parliament either made Votes, *That the King seduced by evill Counsell intended a War against the Parliament*, which Votes were also before the beginning of the Army of the Earle of *Essex*? And yet if the Parliament had rayssed Forces, that may beare the name of an Army to bring Delinquents to Justice, who can lay any blame upon the Parliament, or who can thence gather a reason, why the King may justly rayse an Army against the Parliament?

* Did not Sir *Francis Wortley* draw his sword there and cry, for the King, for the King

Yet is the raysing of this Army, for defence of the Parliament, or of the power and authority of it over delinquents, more then once in the last lease termed a Rebellion. To this I will frame an answer, out of *Bodin*. *Bodin* having written much in favour of Kings though degenerated into Tyrants, and so much, that he confesseth he was taxed for it, yet at last, lights on this story and thereupon gave his sentence. The Earle of *Flanders* besieged his subjects in *Gant*, with an Army of fourty thousand men. The Army within the City was but five thousand. Upon this disadvantage, they humbly sued for pardon. The Earle answered them, they most come forth with halters about their necks, and then he would tell them his mind. Hereupon, not having any allowance of mercy, they issued forth, and defeated his great Army, with a little one, and the Earle was forced for his own safety, to hide himselfe under the Bed of a poore woman, who sent him forth in a shape far below his degree. But hereupon this Author inferres; Then did it appeare, That there is nothing more valiant then a subject brought to despaire, nor any war more just, then that which is necessary. I only adde, if the Parliament War be necessary, and a necessary War is just, certainly a just War can not justly be called a Rebellion.

Bodin de Rep. lib. 3.

FINIS.

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